

Wal-Mart Stores Inc.

Fax Coversheet

Date: 11/03/20

From: DoNotReply@wal-mart.com

Email: DoNotReply@wal-mart.com

To:

Fax: 14792775991

Subject: STORE:isp.s03420.us

Notes: Confidential Wal-Mart Stores, Inc.

This fax and any files transmitted with it are CONFIDENTIAL and intended solely for the individual or entity to whom they are addressed. If you have received this in error please destroy it immediately.



Email/Fax Coversheet

To: Legal Department/ Central Intake

Date: 11/03/2020

Fax: 479-277-5991

Email: Legal@walmartlegal.com

Phone: 479-273-4505

Contact Name: Nancy A. Hiotis

Store or Club Number: 3420

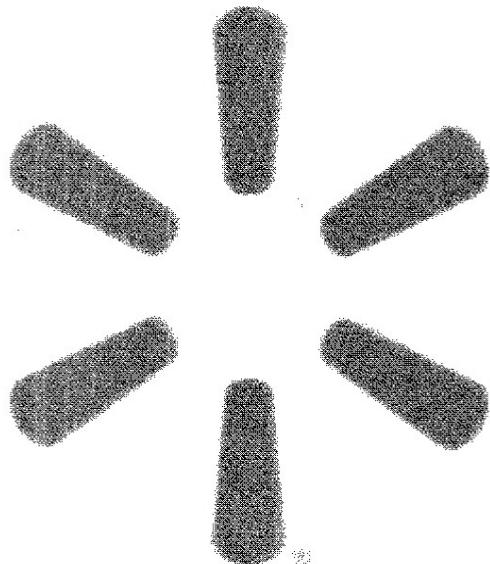
Date Received: 11/03/2020

Total Pages: 8 + Cover

Hearing Date:

Instructions: Fax or email documents with coversheet to the Legal Department, make a copy for your records and mail in the originals to Walmart Legal Department 702 SW 8th Street, Bentonville, AR 72716-0215. If you have any questions, please call the Legal Department Operator at 479-273-4505.

Store Comments:



FILED: QUEENS COUNTY CLERK 10/22/2020 11:31 AM

NYSCEF DOC. NO. 1

INDEX NO. 719616/2020

RECEIVED NYSCEF: 10/22/2020

OUR FILE#2000294
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

X

AVA OCCHIPINTI

Index No.:

Plaintiff(s),

Date Purchased: _____

-against-

SUMMONS

WALMART INC.

The basis of venue

is:

PLAINTIFF'S RESIDENCE

Defendant(s).

X

Plaintiff resides

at:

**145-39 5TH AVE.
Whitestone, NY 11357**

County of Queens

TO THE ABOVE NAMED DEFENDANT(s):

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff's attorneys within 20 days after service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Flushing, New York
June 19, 2020
D/A: 5/24/2020

Walmart Inc
1200 Old Country Road
Westbury NY 11590

Yours, etc.,
MALLILO & GROSSMAN
Attorney(s) for Plaintiff
163-09 Northern Blvd.
Flushing, New York 11358
(718) 461-6633
OUR FILE# 2000294

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OUR FILE#2000294
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X-----

AVA OCCHIPINTI

Index No.:

Plaintiff(s),

Date Purchased: _____
VERIFIED COMPLAINT

-against-

WALMART INC.

Defendant(s).

-----X-----

Plaintiff, by her attorneys, MALLILO & GROSSMAN, ESQS, complaining of the defendants herein, respectfully show to the Court and allege:

1. That at all times hereinafter mentioned, the plaintiff, AVA OCCHIPINTI, was and still is a resident of the County of Queens, State of New York.
2. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., owned the Premises at issue.
3. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., operated the Premises at issue.
4. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC.. maintained the Premises at issue.
5. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., managed the Premises at issue.
6. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., controlled the Premises at issue.
7. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is a domestic corporation duly organized and existing

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by virtue of the laws of the State of New York, doing business in the State of New York.

8. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is a foreign corporation doing business in the State of New York.

9. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is an unincorporated association doing business in the State of New York.

10. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is a sole proprietorship doing business in the State of New York.

11. That on 5/24/2020, while plaintiff was inside the premises 1220 OLD COUNTRY RD. WESTBURY, NEW YORK , she was caused to sustain serious personal injuries.

12. That on 5/24/2020, the defendant, WALMART INC., its agents, servants and/or employees negligently and carelessly maintained said premises in such a haphazard, negligent manner as to cause the same to become and remain in an unsafe, improper and dangerous condition, which consisted of a trap and nuisance as well as a negligent and improper condition of which the defendant had due notice, or by the use of reasonable care and inspection therein, might and should have had due notice.

13. Upon information and belief, and at all times hereinafter mentioned, it was the duty of the defendant, WALMART INC., its agents, servants, and/or employees to maintain the aforesaid premises in a safe, proper, lawful and careful manner, so that the same would not be dangerous to persons lawfully on said premises and to keep the same from defaults, traps and conditions constituting a danger and menace to person lawfully and properly therein.

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14. That said accident and resulting injuries to the plaintiff were caused solely and wholly by reason of carelessness, recklessness and negligence of the defendant, without any negligence of the plaintiff contributing thereto.

15. That by reason of the premises and wrongful acts and omissions on the part of the defendants as aforesaid, the plaintiff has suffered and will continue to suffer pain and agony in mind and body and was unable to attend to her duties, all to her damage in the sum which exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the plaintiff demands judgment against the defendants in the sum which exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Flushing, New York
June 19, 2020

MALLILO & GROSSMAN, ESQS.
Attorney(s) for Plaintiff
163-09 Northern Blvd.
Flushing, New York 11358
(718) 461-6633
OUR FILE# 2000294

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RECEIVED NYSCEF: 10/22/2020

STATE OF NEW YORK)
) SS.:
COUNTY OF QUEENS)

I, AVA OCCHIPINTI, BEING DULY

SWORN DEPOSES AND SAYS:

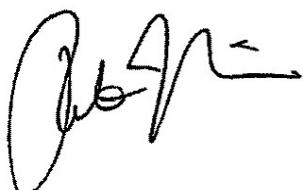
THAT I AM THE PLAINTIFF IN THE WITHIN ACTION.

THAT I HAVE READ THE FOREGOING COMPLAINT AND KNOW THE CONTENTS THEREOF; THE SAME IS TRUE AND TO MY OWN KNOWLEDGE, EXCEPT AS TO THE MATTERS HEREIN STATED TO AS ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS I BELIEVE IT TO BE TRUE.

Ava Occhipinti

AVA OCCHIPINTI

SWORN TO BEFORE ME THIS
8 DAY OF OCTOBER 2020



ROBERTO VIOLA
Notary Public, State of New York
No. 01VI6189600
Certified in Queens County
Commission Expires 08/30/20
u/p

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OUR FILE# 2000294

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

AVA OCCHIPINTI

Plaintiff(s),

-against-

WALMART INC.

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

MALLILO & GROSSMAN, ESQS.

Attorneys for Plaintiff(s)

163-09 Northern Boulevard

Flushing, NY 11358

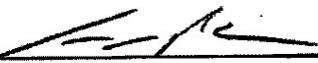
718-461-6633

Fax: (718) 461-1062

Pursuant to 22 NYCRR 130-1.1A, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: 10/21/2020

Signature


FRANCESCO POMARA, JR., ESQ.

TO:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----x
AVA OCCHIPINTI

Index# 719616/2020

Plaintiff(s),

-against-

WALMART INC.

Defendant(s).

-----x
NOTICE OF ELECTRONIC FILING
(Consensual Case)
(Uniform Rule §202.5-b)

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

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- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov
- To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to www.nycourts.gov/efile.

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 848-388-3033; e-mail: efile@nycourts.gov).



FRANCESCO POMARA, ESQ.
Name

MALLILO & GROSSMAN
Firm Name

163-09 Northern Blvd
Flushing, NY 11358
Address

(718) 481-6633
Phone

fpomara@mgaaty.com
Email

To:

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